

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 121 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PREMJIJI DANSUNGJI THAKORE

Versus

GITABEN W/O PREMJIJI THAKORE

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Appearance:

MR RV MEHTA for Petitioner

MR SA PANDYA, APP for Respondent No. 1

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CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 11/03/99

ORAL JUDGEMENT

Heard learned counsel for the petitioner Mr.R.V.Mehta and learned APP for the respondent No.2-State, Mr.S.A.Pandya. Learned counsel for the petitioner has made a statement before the Bar that present petitioner-husband had filed one H.M.P.No.96 of 1997 under sec.9 of the Hindu Marriage Act in which present respondent No.1-wife had submitted an application under sec.24 of the said Act. After hearing the parties,

learned Civil Judge (Sr. Divn.) had passed an order and awarded interim maintainance to the wife and two minor children @ Rs.750/- per month over and above awarding an amount of Rs.1,000/- towards costs. In the same way, the respondent No.1-wife of the present petitioner had also filed one Cri.Misc.Application No.67 of 1995 under sec.125 of Cr.P.C. towards maintainance for herself and two minor children in which, the Court had passed another order and awarded maintainance of Rs.400/- towards wife and Rs.300/- each to two minor children. In view of both the orders, it is submitted on behalf of the petitioner that the present petitioner-husband has to pay the maintainance of two orders passed by the Court.

But the facts remain that order which has been passed by the learned Civil Judge (Sr.Divn.) in H.M.P. No.96 of 1997 is for a limited period, i.e. to say, till the final disposal of the suit. If the present petitioner-husband has got any grievances against that order, then the petitioner is at liberty to apply before the said Court in view of the changing circumstances and in that event, the learned Civil Judge (Sr.Divn.), Palanpur should decide the same on merits.

On being granted the liberty as stated above, the learned counsel for the petitioner seeks permission to withdraw this petition. Permission is granted. This Criminal Revision Application stands disposed of as withdrawn.

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